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ABBREVIATIONS

GAO	General Accounting Office
INS	Immigration and Naturalization Service

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BY THE COMPTROLLER GENERAL

Report To The Congress

OF THE UNITED STATES

U.S. Consular Services To Innocents--And Others--Abroad: A Good Job Could Be Better With A Few Changes

Every year some 1.8 million Americans in foreign countries seek help from U.S. consulates. To enhance the ability of consular officers to respond, the Government should: increase the authority and resources of the Foreign Service to help Americans in emergencies; reduce the consular workload by waiving visa requirements for selected countries; establish a number of positions for the consular function more nearly commensurate with the workload; update and extend U.S. consular conventions; and take affirmative action against perceived inequities between the consular and the other career "cones" of the Foreign Service.

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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-200799

To the President of the Senate and the
Speaker of the House of Representatives

This is our report on "U.S. Consular Services to Innocents--and Others--Abroad: A Good Job Could Be Better with a Few Changes."

We submitted a draft of this report to the State and Justice Departments for official comments. The State Department has not provided such comments. The Justice Department's comments, concurring with the recommendation (in ch. 4) relevant to activities of that Department, appear in appendix III.

We are sending copies of this report to the Director, Office of Management and Budget; Secretary of State; and Attorney General.

Comptroller General
of the United States

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

U.S. CONSULAR SERVICES TO INNOCENTS--AND OTHERS--ABROAD: A GOOD JOB COULD BE BETTER WITH A FEW CHANGES

D I G E S T

Every year some 1.8 million Americans abroad find themselves unexpectedly in need of help from the U.S. Government. If they become incapacitated, are arrested, go broke, need advice on a tax return, fail to receive a Social Security check, are robbed or expropriated, lose their passports, or disappear, they or their families are apt to turn first to the hard-pressed officers of the U.S. Foreign Service who handle consular affairs. (See pp. 1 to 4.)

This report examines the current supply-demand equilibrium of U.S. consular services to American citizens abroad--the kinds and quality of services American travelers seek, the adequacy of the State Department's response, and the need for adjustments in either the citizen's expectations or the Government's ability to meet them, or both. (See pp. 4 and 5.)

A substantial majority of the Americans who responded to GAO's queries about their experiences in the 13 countries covered in this review indicated satisfaction with the consular services they had sought. About a fourth indicated dissatisfaction. Many citizens' requests to or complaints about consular performance reveal a lack of understanding about what consulates can and cannot do in the prevailing legal or political circumstances. Other requests and complaints appear reasonable--and in many of those cases State could be doing better. (See pp. 6 to 8.)

To improve the quality of consular services, the Government should give consular officers greater discretion in handling emergencies, develop procedures permitting a major reduction in the burden of issuing visas, and take steps to enhance the attractiveness of consular work.

HOW TO MAKE GOOD EMERGENCY SERVICES BETTER

In a variety of cases GAO reviewed--involving medical or legal emergencies, deaths, incompetency, or destitution--reasonable assistance to Americans abroad proved impossible because consular officers lacked authority to make small loans or take other steps and to do so on their own initiative. Consular officers should have a broader, defined discretion to cope with such emergencies.

Lack of clarity about the application of the Privacy Act of 1964 is further tying the hands of consular officers in their efforts to assist Americans in certain emergency situations abroad. (See pp. 9 to 16.)

EASING THE VISA BURDEN

In addition to helping Americans abroad, consular officers issue close to 6 million visas a year to foreigners seeking to visit the United States. This function imposes a heavy and frequently unnecessary burden on the consular posts and entails an inefficient distribution of consular personnel worldwide. The Immigration and Nationality Act of 1952 should be modified to permit blanket visa waivers for selected "low risk" countries. Amendments for that purpose are pending in the Congress. (See pp. 17 to 19.)

CAREER CONE DISCRIMINATION IN THE FOREIGN SERVICE

Of the four career "cones" or basic specialties in the U.S. Foreign Service--political, economic-commercial, administrative, and consular--the consular cone alone has been persistently understaffed. In addition, the classification structure of the consular cone is not on a par with that of the other cones, which have traditionally enjoyed a disproportionate share of the higher-rated positions. These conditions adversely affect both morale and efficiency in the consular cone. (See pp. 20 to 25.)

CLARIFICATION OF CONSULAR FUNCTIONS

The Secretary of State is seeking to work out with the Congress an agreed list and definition of services Americans may expect from consulates and to improve communication with the public on consular affairs. Such efforts can help clarify the consular function for the American public. (See pp. 7 and 8.)

RECOMMENDATIONS

GAO recommends that the Secretary of State:

--Reassess and revise consular authority for emergency assistance to Americans abroad. (See p. 16.)

--Review and extend U.S. consular conventions. (See p. 16.)

--Take affirmative action to end widespread perceptions of "cone discrimination." (See p. 25.)

GAO recommends that the Attorney General:

--Determine, in cooperation with the Secretary of State, what if any new controls are necessary to an effective system of blanket visa waivers for selected countries. (See p. 19.)

AGENCY COMMENTS

A draft of this report was submitted for official comments to the State and Justice Departments. The State Department has not provided such comments. The Justice Department's official comments, concurring with the recommendation (in ch. 4) relevant to activities of that Department, appear in appendix III.

CHAPTER 1

INTRODUCTION

The number of Americans abroad for business, pleasure, study, or retirement has increased by a third in the past 12 years. Nearly all of them carry U.S. passports, and many of them--more than 1.8 million in 1979--find themselves unexpectedly in need of help from the U.S. Government. If they become incapacitated, are arrested, go broke, need advice on a tax return, fail to receive a Social Security check, are robbed or expropriated, lose their passports, or disappear, they or their families are apt to turn first to the hard-pressed officers of the U.S. Foreign Service who handle consular affairs.

Helping Americans in trouble abroad is only part of the job. The larger part of consular work is devoted to helping foreigners get to the United States. The U.S. Government requires that virtually all foreigners residing or traveling in this country (excepting Canadians, Bahamians, and a few others) carry one or another of more than a dozen kinds of U.S. visa. In 1978, the United States received some 6.6 million tourists, nearly 800,000 business visitors, more than 240,000 students and exchangees and a half-million other foreigners--artists, temporary workers, journalists, spouses, children, etc. Most of these get their visas--after due processing--from fewer than 900 U.S. employees in our more than 200 consular offices overseas.

The State Department's Bureau of Consular Affairs performs the consular function through three major components--the Visa Directorate, Passport Services Directorate, and Directorate of Overseas Citizens Services. In fiscal year 1979 consular officers issued nearly 6 million non-immigrant visas and 314,875 immigrant visas. Passport Services issued more than 3.1 million passports. 1/ In the same year, consular officers handled more than 1.8 million cases of Americans abroad needing emergency or other citizen services.

1/To measure the year's caseload in these activities one must add in the applications rejected. In fiscal year 1979 these were: nonimmigrant visas--523,311; and immigrant visas--85,192. In that year, about 15 million valid U.S. passports were in circulation.

In fiscal year 1979, the Bureau of Consular Affairs, headed by an Assistant Secretary of State for Consular Affairs, had 886 permanent positions--12 in the Office of the Assistant Secretary, 75 in the Management and Administration office, 612 in the Passport office, 1/ 114 in the Visa office, and 73 in the Overseas Citizens Services office. In addition there were 684 Americans assigned abroad and 1,837 locally-hired full-time personnel for whom the Bureau has general responsibility in consular matters.

THE GROWING WORKLOAD

The 33 percent increase in American travel abroad over the past 12 years, according to the Commerce Department, breaks down as follows:

Destination	1968	1978	Percent of growth
Overseas (note a)	4,299,433	7,783,377	81
Mexico	1,370,000	3,250,000	137
Canada	11,708,000	12,043,463	3
	17,377,433	23,076,840	33

a/1968 figures are for air and water transportation, whereas 1978 figures are for air transportation only.

Apart from such factors as improved transportation, rising middle class affluence, wanderlust and nostalgia, what accounts for this increase--and for a disproportionate increase in the consular workload, according to the State Department, is the fact that:

--American retirees often find it easier to live abroad, in their country of origin or elsewhere.

--More young people, traveling light, go abroad for fun or schooling, many venturing into out-of-the-way places and unplanned brushes with local cultures, customs, and laws.

1/Supplemented in peak periods by seasonal employees representing about 300 staff years.

Accordingly, State Department statistics show increasing and changing demands for consular assistance in matters concerning death, welfare, whereabouts, Federal benefits payments, and arrests. Drug dealing or possession accounts for a significant part of the arrest cases. In 1979, according to the State Department's Directorate of Overseas Citizens Services, some 2,000 Americans were in foreign prisons, including 771 on drug-related charges.

U.S. consulates have also been giving increasing attention to certain organized American communities or religious cults abroad whose activities may affect the welfare of American citizens or even U.S. diplomatic relations. Such groups can be found today in several countries, including Israel, Japan, Italy, and India. In some cases their members have taken up foreign residence illegally, have been the object of deportation proceedings, and have sought the help of U.S. consulates in circumstances reminiscent of the Jonestown, Guyana, tragedy.

SERVICES CONSULATES PROVIDE

Under pressure from the Congress and the public, State has been placing greater emphasis on consular assistance to Americans abroad. A recent reorganization of its Bureau of Consular Affairs and the creation of the position of Deputy Assistant Secretary of State for Overseas Citizen Services was intended to facilitate that effort. The nature, quality, and reach of the Department's efforts are limited by a variety of domestic and international factors--available funds and personnel; political conditions in foreign countries; the status of diplomatic relations; and U.S., host-country, and international law.

The principal services consular officers provided Americans abroad and the volume of cases in each category between 1973 and 1979 were as follows:

Citizen Services Workload Worldwide by Fiscal Year

Category	1973	1974	1975	1976	1977	1978	1979
Death cases	8,315	8,336	8,276	8,410	7,659	8,111	7,362
Estate/property	15,111	14,420	15,241	12,488	12,756	16,654	24,081
Notarials	491,897	447,179	497,284	541,955	607,139	722,706	792,471
Welfare/ whereabouts	65,242	65,402	65,074	71,928	79,514	87,995	157,222
Seaman services	15,901	12,401	9,659	10,240	10,934	13,729	11,297
Arrests	7,453	7,233	7,098	7,297	5,513	6,490	5,112
Other-agency cases (note a)	459,225	541,115	603,412	637,524	743,534	771,639	831,683
Total cases	1,063,144	1,096,086	1,206,044	1,289,842	1,467,049	1,627,300	1,829,228

a/Mainly concerning Social Security, Veterans, and other benefits programs.

Services in the welfare and whereabouts categories rose by 74 percent during that 6-year period. Consular officials say such services--involving searches for missing persons, arrangements to repatriate destitute or incapacitated citizens, child custody disputes, etc.--are especially time-consuming.

Arrest cases have stabilized over the past 6 years, but are substantially higher than in earlier years. Both arrests and deaths now entail more detailed and frequent reporting to the Department, and consulates now take more responsibility for prisoners. According to the State Department, some 82 percent of U.S. consular posts visit imprisoned Americans at least once a month and all other posts visit prisoners at least every 3 months. Each visit is reported to the Department. Consular officers are now expected to be much more active than before in checking and protesting mistreatment of prisoners. In addition, since 1978, the State Department has been allocated funds to provide medical assistance and dietary supplements to needy Americans abroad. The Bureau of Consular Affairs administers that program.

OBJECTIVES, SCOPE AND METHODOLOGY

In this report we examine the current supply-demand equilibrium of U.S. consular services to American citizens abroad--the kinds and quality of services American travelers seek, the adequacy of the State Department's response, and the need for adjustments in either the citizen's expectations or the Government's ability to meet them, or both. Informal comments from officials of the Bureau of Consular Affairs indicated essential agreement with our findings and recommendations.

To do this review we examined records and interviewed U.S. officials at the State Department and at the embassies and consular posts in 13 countries--democratic and authoritarian, developed and developing, allied and non-aligned--namely: Argentina, Brazil, Columbia, Federal Republic of Germany, Greece, Hong Kong, India, Israel, Italy, Japan, Mexico, Morocco, and the Philippines. At each post we examined numerous case histories, concentrating on those concerning "whereabouts" (missing persons), welfare, deaths, property, and protection. Of those, we summarize 13 in chapter 3 for illustrative purposes. To get insights into the experiences and views of American citizens involved in such cases, we sent questionnaires to 20 to 25 citizens who in 1977 or 1978 had sought consular assistance in each of the countries surveyed. (The questionnaire is reproduced in app. II.) Of the 282 citizens queried, 141 responded. We did not for this purpose seek to draw from consulate records a scientific

sample; the resulting questionnaire data as recorded in chapter 2 does not purport to represent more than the views of those responding.

AGENCY COMMENTS

We submitted a draft of this report to the State and Justice Departments for official comments. The State Department has not provided such comments. The Justice Department's comments, concurring with the recommendation (in ch. 4) relevant to activities of that Department, appear in appendix III.

CHAPTER 2

HOW CITIZENS ABROAD SEE CONSULAR SERVICES

As previously noted, of the 282 Americans we queried about their experiences with consular services, half or 141 responded. Of the non-respondents, 25 were found to be incorrectly addressed; others perhaps did not find their experiences sufficiently pleasing or displeasing to warrant the effort of reply. Of those responding, 96 persons or 68 percent indicated the service was satisfactory and had no complaint. Nine persons or 6 percent said they had not sought consular assistance. The remainder, 36 persons or 26 percent expressed dissatisfaction with the handling of their requests.

Many of those who were satisfied expressed their admiration and gratitude in glowing terms--"enormously helpful * * * eternally grateful * * * excellent, immediate, and courteous treatment * * * absolutely marvelous."

Those who were disappointed wrote of unresponsiveness, callous treatment, or incompetence, in cases that generally concerned personal emergencies. For the most part, the favorable comments can logically be taken at face value. The negative reports, while often highly instructive, were less susceptible to evaluation because the possibility of mitigating circumstances and differing views often could not be determined. In some instances the complaint against consular personnel concerned requests (e.g., for the return of stolen property) that were beyond U.S. control or (e.g., for an advance of funds) that were contrary to U.S. law or policy. About such difficulties, we offer some suggestions in the next chapter. At the same time, as we also note in the next chapter, we did find cases in which consular officers failed to respond properly to appeals for help from U.S. citizens.

From our observations and talks with consular officers abroad, we believe most of them would subscribe to the assertion of one disappointed citizen who wrote us:

> "The U.S. Consul abroad must be particularly responsive to the needs of the ordinary citizen--the inexperienced traveler, the injured seaman, the wayward student or the bereaved relative * * * [--those] without personal or business resources or a friend in Congress. * * *"

To some extent the citizen's expectations and disappointments reflect misunderstanding as to the nature and context of

the consular function. To just that extent, the State Department has an unfinished--or rather an ongoing--opportunity in public education. At times, according to a State Department report,

> " * * * traveling Americans expect consular officers to exercise an improper degree of influence on foreign governmental and judicial systems. Concepts of national sovereignty and independence are as strongly held by others as by Americans. What the consular officers can do is to use the authority and resources available to them to see to it that American citizens are treated like most favored foreign nationals where this is provided by treaty or, as a minimum, no differently than local citizens. The consul's authority to do this is sanctioned by international law, treaty law and customary law, and other relevant bilateral and multilateral accords." 1/

In one or more of the countries we surveyed, Americans requested but--for legal or policy reasons--the Government did not provide the following services:

--giving legal advice,

--arranging itineraries,

--providing funds for legal or investigatory assistance,

--sending personal mail through official channels,

--providing overnight accommodations on embassy property,

--paying bail,

--cashing personal checks,

--searching for lost or stolen baggage,

--lending money,

--safekeeping valuables,

1/For a broad State Department summary of the consular services citizens can expect, see appendix I.

--collecting debts,

--advising on shopping,

--transferring funds,

--making hotel or airline reservations,

--serving summonses,

--finding employment, and

--arranging military evacuation flights for citizens whose charter flights are delayed.

Where possible in such cases, consular officers will refer the citizen to others who might provide the desired service.

Through publications, radio, and television, the public affairs office of the State Department does make information and advice available to Americans going abroad. Each of the 14 passport offices maintains a supply of appropriate literature. The traveling public should read it more widely and more thoroughly.

The Secretary of State is seeking to work out with the Congress an agreed list and definition of services Americans may expect from consulates and to improve communication with the public on consular affairs. We believe such efforts can help clarify the consular function for the American public.

CHAPTER 3

THIRTEEN EMERGENCY CASES--SOMBER BUT ENLIGHTENING

Failures or apparent failures of consular service in individual cases may have one or more of several explanations. In some cases, as noted above, a citizen's outrage or frustration may reflect merely his/her own misperception of what consular officers can properly or realistically do. In other cases, the failures must be attributed to incompetence or indifference of some consular personnel--a problem we address in this and the final chapter. But in many cases--including most of those considered below--the trouble appears to lie in defective regulations or policies, or their interpretation. These, we believe, could be substantially remedied.

MEDICAL TREATMENT OR EVACUATION

The State Department has long been able to make loans (on promissory notes) to repatriate destitute citizens. (When the loan is made, the citizen's passport is stamped with a new expiration date or is voided pending repayment of the loan.) Further progress was achieved with the establishment in June 1977 under Public Law 95-45 of the Emergency Medical and Dietary Assistance Program. This program authorizes U.S. officials to give American prisoners abroad loans for medical and dietary assistance if private funds are not available. In January 1978 the program was extended to cover emergency medical treatment deemed necessary to save the life of destitute Americans abroad. We believe this authority should be further broadened in defined circumstances to include medical treatment and evacuation in emergencies that are not necessarily life-or-death cases.

> Case #1. In Morocco an American with a high fever was taken off a ship at the request of the ship's doctor and admitted to a local clinic. The agent for the ship, with the assistance of the Tangier Consulate, arranged the patient's return flight to the United States. The airline refused to let him board the aircraft without an escort to care for him. The consulate's search for relatives who might provide for the escort was unavailing. Twelve days after he entered Tangier, the American died.
>
> Case #2. A 21-year old American was injured in a road accident near Agadir, Morocco. She and the other victims, including some Norwegians and Britons, were taken to the local public hospital. Suffering multiple fractures of hip and shoulder and concerned

about the treatment she was getting, she asked the U.S. consulate for help in getting her moved to some place with more adequate facilities. Funds from home were not immediately available. Under prevailing regulations, she was not eligible for a repatriation loan. Meanwhile, the British and Norwegian consulates had arranged for prompt medical evacuation of their nationals. Our consular representative arranged to get the American on the British flight, and she arrived in London 3 days after the accident.

Case #3. In Greece, a U.S. citizen was unable to pay her $1,000 hospital bill following gall bladder treatment. The hospital maintained they would not release her until the bill was paid. U.S. consular officials were unable to get financial aid from her friends or relatives and could not provide U.S. loan-funds for the purpose because her medical case was not deemed a life-or-death emergency. After a considerable expenditure of time and ingenuity, U.S. officials worked out a solution: they arranged to cash in the patient's return airline ticket and used the proceeds to negotiate her release from the hospital. Her return to the United States was paid from the State Department's repatriation loan funds.

LEGAL AID

In legal cases, consular officers are limited today to giving the citizen a list of local lawyers. A number of cases we reviewed suggested that with authority to make small loans for attorney's fees, bail, or fines, consular officers would have been able to protect Americans from unreasonable confinement. Not all consular officers we consulted felt their authority should be broadened in this area. Of those who did, some suggested the official should have the authority to negotiate fees and services with the lawyer.

Case #4. In Argentina, an American arrested for allegedly passing counterfeit U.S. currency had spent 37 months in jail before his bail was set. Reluctant at first to contact U.S. authorities, the accused sought their help 7 months after his arrest. He had no friends or relatives he was prepared to ask for help. U.S. regulations do not permit loans for bail. At our last report, he was unable to pay his bail of $225. He had already served more than the normal sentence for the alleged crime and was still in jail without a trial.

DEATHS

More than 7,000 Americans die each year in foreign countries. The cost of preparing and shipping the remains to the United States ranges from $1,000 to $4,000. Most Americans abroad are buried where they die. The State Department cannot make loans but does permit the transfer of private funds through official channels for such purposes. The Department also looks favorably upon a program being developed by a private company to provide insurance policies for such purposes. Some consular officers favor broader authority in such cases.

> Case #5. In Colombia, a young American died. His friends were unable to cover the cost, then about $835, of preparing and shipping home his remains. His mother could send only $500. Colombia law requires that deceased persons, if not embalmed, be buried within 24 hours. For lack of $335, the young man was buried where he died.

INCOMPETENTS

Some consular officers believe they should have temporary authority to act in a fiduciary or trustee capacity in cases involving persons deemed by their families or certified by proper authority to be irresponsible or incompetent.

> Case #6. In Israel, a destitute U.S. citizen was released on bail pending trial. He had no money for subsistence. His mother offered to send help providing someone other than her son would receive and manage the funds. She considered her son irresponsible and incompetent to do so. U.S. consular officers lack authority to act as fiduciary or trustee.

MISSING PERSONS

Missing persons cases present a different kind of problem. In fiscal year 1977, U.S. consulates were asked by relatives or friends to look for some 7,700 missing persons. Consular officers can usually do little but contact local authorities who may or may not be cooperative in such searches. The officers we consulted tend to believe that far too much of their time is spent on such cases. (In the "whereabouts" case cited below, the duration of the crisis was unusually short but the intensity of effort was typical of several such cases we reviewed.) Many citizens seem to expect the consulates to take charge of the search. This cannot be done with available

resources. Some officials suggest that the Congress should clarify the extent to which the Service should accept responsibility for such cases and make available whatever additional resources would be required.

> Case #7. In Hong Kong, on April 12, 1978, the American Consulate received an inquiry from a Member of Congress regarding the whereabouts of the son of a constituent. The missing man, age 31, was traveling through Asia with members of a Sikh field hockey team out of Malaysia. He had last telephoned his parents from Hong Kong on Christmas Day 1977. U.S. consular officers immediately telephoned local immigration authorities and hotels. Advised that the Hong Kong authorities could not undertake their computer search without the subject's full middle name, our consulate obtained this from Republic of China police records, courtesy of the then U.S. Embassy in Taipei. Armed with the full middle name, the Hong Kong Consulate was able to ascertain that the subject had arrived in Hong Kong on December 15, 1977, and had left 2 weeks later for Manila. They brought the U.S. Embassy in the Phillippines into the case on April 28, 1978. On April 27, however, the American Embassy in Taipei learned from a local contact, who had received a cable from the subject's parents, that the missing man had called his parents to inform them he was in good health and in Singapore. On May 3, 1978, the State Department closed the case.

STOLEN OR CONFISCATED PROPERTY

Similar problems exist in cases of stolen property. In March 1979, for example, the U.S. Embassy in Mexico had 224 active cases of stolen or confiscated aircraft and another 200 active cases concerning automobiles. U.S. officials furnished figures showing some recent improvement in recovery rates--39 aircraft and 26 automobiles recovered in 1978 (up from 21 and 19 respectively the previous year)--but concede that more can and should be done in this category of cases. An important part of the problem is cooperation or lack of it from local authorities. Much of the stolen or confiscated American property in Mexico is held by the customs authorities or the military, both of whom, we were told, routinely ignore requests and orders from the Mexican Attorney General to release it. Internal political and administrative conditions necessarily limit what consulates can achieve in this area.

In Case #8 below, the frustrated victim of an aircraft confiscation made a suggestion for the State Department to consider: Once the consulate has located the property and determined its legal status, the victim should be put in direct touch with the appropriate Mexican authorities and thus enabled to gain firsthand knowledge of the circumstances. He also suggested amendment of the applicable convention to streamline the procedures and bring them up to "present day standards."

In addition to updating consular conventions, it is also important, as we noted in a previous report, 1/ to negotiate them with additional countries. There remain a score of countries with whom the United States has diplomatic relations but no consular convention.

> Case #8. In Mexico, a light plane belonging to a group of Americans was stolen. Their insurance representative, in a response to our questionnaire explained: "The rules require that we obtain the paperwork necessitated by the [applicable 1936 U.S.-Mexican convention] and send this to the appropriate Consul. After that we have no way of knowing what is happening. Long periods of silence occur and inquiries as to what is happening usually produce a frustrating answer because the Consul doesn't know. * * * That long delays without being able to get answers or obtaining answers that are vague with respect to the status of obtaining release of an aircraft is highly unsatisfactory. I have no way of knowing whether Consular personnel are at fault or whether the system under which they must work is at fault. One thing stands out clear, and that is a need to make changes * * *"

FEDERAL BENEFIT OR OTHER PAYMENTS

The control and delivery of U.S. Treasury checks to the overseas beneficiaries of various Federal retirement systems has become a steadily increasing part of the consular workload. The Social Security Administration looks to consular officers in many cases for assistance in conducting necessary claims investigations and arranging for medical examinations, etc. In addition, consular officers help Social Security personnel conduct annual surveys to determine whether recipients are still eligible to receive benefits. These Federal benefit

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1/"Consular Services Abroad Can Be Improved; Process for Evaluating Need for Posts Questioned," (ID-77-52, Dec. 29, 1977, p. 51).

services, we were told, are required by the Department but not by statute. Although our review of this activity did not reveal widespread abuse, there are indications that controls over check delivery need attention.

Case #9. In Israel, the invalid widow of an American citizen, confined to a hospital for 10 years, had an arrangement whereby her Social Security benefit checks would be received on her behalf by a "representative payee." A U.S. consular official visiting her at the hospital learned from hospital authorities that she had not received any of those payments--estimated at $25,000. The hospital had been absorbing her costs. The Consular caseworker told us it is impossible to check on the estimated 400 representative payees and Social Security beneficiaries in the Tel Aviv Consular District, given present staffing limitations.

Case #10. In Buenos Aires, a local employee of the U.S. Embassy was arrested by Argentine police because the authorities had found $47,975 in U.S. Government checks in his residence. The culprit admitted that he had taken them from the U.S. embassy over a period of 14 months with the intent of cashing them.

PRIVACY ACT

The Privacy Act of 1974 (5 U.S.C. §552a (1976)) erects safeguards against the invasion of U.S. citizens' privacy by requiring Federal agencies to comply with certain provisions concerning disclosure of information about individuals. Consular officers we consulted overseas often believed that the Privacy Act prevents the release of information in U.S. Government files about a citizen without his/her consent. The reality is more subtle. Subsection (b)(3) of the Act allows disclosure for a routine use compatible with the purpose for which the information was collected. According to the State Department's own regulations, routine uses include making information available to "immediate families when the information is required by the individual's immediate family."

Both the Act and the Department's own implementing regulations thus give consular officers more authority to disclose information in emergency situations than our consular officers have often been given to understand.

Case #11. In Israel, a deranged U.S. citizen had had several encounters with the police, who once found him sprinkling water into the eyes of blind persons in attempts to cure them. Eventually he asked the U.S. Consulate in Tel Aviv to help him get home. Our consular officers wanted to notify his family in order to get funds for his repatriation. The subject, however, did not want his family notified and the consulate, believing it was bound in the circumstances by the terms of the Privacy Act of 1974, refrained from doing so. The police later found the man, who had not eaten in days, wandering in a field. They put him in a mental hospital where, after 2 weeks of treatment, he was persuaded to return home. The consulate loaned him the money to get home, including the cost of the required medical escort. The consular officers believe he could have been home sooner, without the further misadventures and without the need for an emergency loan, if they had felt free to contact his family.

Case #12. In Greece, two Americans in their early twenties were arrested for mutilating two Greek flags and stealing two others. Not wishing to worry their families over what they saw as a harmless prank perpetrated under the influence of alcohol, they denied the consular officer permission to notify anyone. The local authorities, however, took the prank more seriously. At the time of our visit, they were seeking the maximum punishment--2 years in jail and a fine. The consular officer was unable to contact the men in order to ask again for their waiver of the Privacy Act. Aware of the seriousness of the young men's predicament and their need for legal assistance, the consular officer told us he intended to notify the families despite the supposed proscription of the Privacy Act.

INADEQUATE CONSULAR RESPONSES

Cases of failure by U.S. consular officials to respond properly to appeals for help from U.S. citizens, while clearly the exception, emerged from our review in three of the world regions we visited. Particularly in countries where few concessions are made to basic human rights, such failure can mean for example the continued abuse, torture, or unwarranted incarceration of Americans in foreign prisons. We believe it would be desirable for the State Department and U.S. ambassadors to devote more attention to correcting and preventing such failure.

Case #13. In some countries, we found cases in which U.S. citizens sought help in urgent circumstances but the consulate's response was nil or at best seriously inadequate. In one such case, an American was arrested for violence and possession of marihuana. Two months later he wrote the U.S. Ambassador from prison requesting an investigation into the alleged unsanitary and inhumane conditions of the prison. The consulate responded 32 days later that it would look into the matter. From the records and our talks with Embassy officials, it appears that despite standing regulations no action whatever was taken. Embassy colleagues of the responsible official, who was no longer at that post, told us that he often failed to respond to appeals from "troublemakers."

CONCLUSIONS

Most consular officers we saw overseas believe they should have a broader, defined discretion in certain emergency circumstances--such as medical evacuations, hospital payments, bail, repatriation of the deceased--to make small advances of U.S. funds to U.S. citizens.

The above and numerous other cases we examined generally support such views and suggest the need to modify some of the regulations under which the consular officers operate. In many instances, reasonable assistance to Americans in distress overseas has proved impossible because the consular officers lacked authority or resources to make small loans or take other steps and to do so on their own initiative.

RECOMMENDATIONS

In light of the above, we recommend that the Secretary of State:

--Reassess and revise as necessary the present authority and resources available to consular officers to help Americans abroad in personal emergencies.

--Determine and initiate improvements in the Nation's consular treaties--and, as we urged in a previous report, negotiate them with additional countries--in order to enhance possibilities for protecting the lives and property of U.S. citizens abroad.

--Clarify the Department's instructions to the field concerning the Privacy Act.

CHAPTER 4

EASING THE VISA BURDEN

Under the Immigration and Nationality Act of 1952, U.S. consular officers issued in 1979 nearly 6 million nonimmigrant visas. This function imposes a heavy--and in significant measure an unnecessary--burden on consular posts and entails an inefficient distribution of consular personnel worldwide. The law should be amended.

Under the Immigration and Nationality Act of 1952, the Bureau of Consular Affairs is primarily responsible for issuing both immigrant and nonimmigrant visas to aliens seeking to enter the United States. This responsibility includes determining the aliens' eligibility for particular types of visa, administering the visa preference system, and complying with the numerical limitations on immigration imposed by law. One of several kinds of nonimmigrant visa must (with exceptions noted below) be issued to each alien seeking to visit the United States for less than 90 days for business or pleasure.

The State Department expects that over the next couple of years the volume of such visas, now running close to 6 million a year, will increase annually by about 1 million. (According to estimates by some State Department officials, processing nonimmigrant visa applications accounts for nearly 85 percent of the total consular workload.) Present visa requirements make no distinction between countries having low rates of passport and visa fraud and low refusal rates and those having high rates. The State Department should be concentrating its personnel more heavily on those countries that account for the bulk of illegal entrants and ineligible applicants. Under present arrangements the Department is unable--despite its automated visa name check system in 74 posts--either to give optimal visa service in the countries that supply the bulk of legitimate travelers or to devote sufficient time to screening fraudulent applications in countries where the greatest risks exist.

Accordingly, the State Department has proposed an amendment of the Immigration and Nationality Act that would authorize the Secretary of State and the Attorney General jointly to waive nonimmigrant visa requirements for tourist and business visitors from some 30 "low risk" countries. Such an amendment would extend the coverage of a blanket waiver authority which is already granted to nationals of Canada and the Bahamas; British nationals living in Bermuda and in the Cayman, Turks,

and Caicos Islands; and to Mexican nationals holding a border crossing card. The countries granted the waiver would be selected on the basis of reciprocity and data showing low risk of their nationals becoming public charges or illegal entrants or violating their status as temporary visitors. (A number of industrialized countries no longer require visas of nationals of other industrialized countries.)

The proposed legislation would make a country eligible for visa waiver if its nonimmigrant visa refusal rate were less than 2 percent in the preceding fiscal year.

The Department estimates that the proposed visa waiver would yield in fiscal year 1982 an initial economy of 121 positions and $3.13 million, which, as originally contemplated, it could then apply to other consular functions in areas of greatest need. A bill to accomplish this purpose was pending in the Congress at least as long ago as 1970 and was strongly supported by a State Department management study issued that year. 1/ State Department officials believe such a waiver could also improve foreign relations. The Commerce Department and representatives of the U.S. travel industry believe it would lead to significant increases in foreign visitors and foreign exchange earnings.

The proposed waiver of visa requirements for selected countries poses some questions that remain to be fully clarified. As we pointed out in testimony before the House Subcommittee on Immigration, Refugees & International Law of the Committee on the Judiciary last April, the questions are:

--How good are the data and methods to be used to select low-risk countries?

--Will the Immigration and Naturalization Service's (INS) workload increase and to what extent?

--Can the INS determine whether a given country qualifies for continued visa waiver privileges?

We also asked whether the visa refusal rate is an adequate measure of risk, noting that:

1/ "Diplomacy for the 70s: A Program of Management Reform for the Department of State."

> "A good case can be made for adding to the visa refusal rate, entry denials and actual violations by visitors from the countries being considered for waiver privileges. * * * The inability of INS to completely measure the degree of compliance once a visa waiver is granted would seem to give added importance to knowing the full risks beforehand."

Pending amendments to the proposed visa waiver provision seek to address such questions. They contemplate establishing a five-country pilot program in fiscal year 1981 to test a contemplated screening and monitoring system together with an arrival and departure control system that the Attorney General would be asked to develop in cooperation with the Secretary of State. 1/

RECOMMENDATION

Under present conditions, the Immigration and Nationality Act of 1952 places an increasing burden on U.S. consular officers and prevents a more productive allocation of consular resources worldwide. The Act should be modified to permit the waiver of visa requirements for selected countries. Since prior clarification of certain questions is needed, we recommend that the Attorney General, in cooperation with the Secretary of State, determine what if any monitoring, screening, or control arrangements are necessary to an effective waiver system and so report to the Congress.

1/State Department officials believe that the machine-readable passport recently recommended by the International Civil Aviation Organization could, if widely adopted, become a significant step toward an effective system for monitoring the entry and exit of foreign visitors.

CHAPTER 5

PERSONNEL--THE HEART OF CONSULAR SERVICE

U.S. consulates are today, and have been for many years, chronically oversupplied with work and undersupplied with people. For this and other reasons, as one experienced Consul General told us, those in the consular career "cone" 1/ have a morale problem that is not generally shared by their fellow Foreign Service Officers in the political, economic-commercial, or administrative cones: "The consular officer often views himself and is viewed by others as a second class citizen in the Foreign Service." Efficiency also suffers. Remedies are overdue.

PERSISTENT PERSONNEL SHORTAGE

A decade ago, the State Department's comprehensive management study cited above (p. 18) acknowledged that there were serious shortages of Foreign Service Officers in the consular cone. Despite increasing workloads and high-level Departmental acknowledgements over the years of the need for more adequate staffing, large shortages have persisted. In March 1979, for example, the figures for the four career cones were:

	Political	Economic-commercial	Administrative	Consular
Skills authorized	1,155	859	412	894
Skills available	1,275	943	579	a/808
Shortage/overage	+ 120	+ 84	+ 167	- 86

a/In practice, the figure for skills available is frequently reduced by reason of training or out-of-cone assignments, "staff in motion" between assignments, leave, etc.

Such chronic shortages of personnel affect efficiency as well as morale and the attractiveness of consular work as a career: (1) consular officers at overseas posts are often obliged to put in long hours, which results in excessive mental and physical fatigue; (2) part-time administrative employees have to be used to fill the gaps.

1/A cone in this sense is one of four basic career specialties or recruitment categories in the U.S. Foreign Service.

A number of Department representatives told us that the Congress has consistently authorized increases in personnel requested by the Department for increased consular workloads, but that the increases did not always materialize. In presenting its case to the Congress the Department has not clearly indicated that while seeking increased consular personnel for some areas, it was abolishing consular positions in other areas in order to meet Office of Management and Budget Department-wide employment ceilings. This practice may have misled Members of Congress as to the net changes in personnel provided in the Department's authorization and appropriation for the consular function.

The consular staffing situation appears further clouded by the Department's practice of authorizing more positions to all the Department bureaus than can be filled within the employment ceiling imposed by the Office of Management and Budget. An effect is that although the Department's total employment strength as of June 1979 was at or near the Office of Management and Budget employment ceiling, there were nearly 200 consular positions vacant at that time. While this practice may be a method of maintaining full staffing of the other cones against tight Office of Management and Budget employment ceilings on a Department-wide basis, it disadvantages the Bureau of Consular Affairs and aggravates an already strained personnel situation.

PERCEIVED CAREER LIMITATIONS

A decade ago, the State Department's management study (cited above, p. 18) declared that:

> "The position structures within the four functional cones should be as nearly identical as possible.
>
> "For example, if 6 percent of all FSO [Foreign Service officer] positions are designated for Class 1 [the highest career rank], two-thirds of these officers, or 4 percent, might be assigned to program-direction, executive, and training positions and one-third, 2 percent, might be assigned to functional work. If this were the case, about 2 percent of the total positions in each functional cone should be classified FSO-1.
>
> "Unless this kind of proportionality is realized at each level, promotion opportunities and access to program-direction and executive positions will vary from cone to cone and this, in turn, will affect the relative attractiveness and status of the cones."

Such "proportionality" does not exist today in the Foreign Service, as shown in the following table:

NUMBER OF FOREIGN SERVICE OFFICERS BY GRADE AND CONE (note a)

Grade	Political	Percent	Economic-commercial	Percent	Administrative	Percent	Consular	Percent
1	54	4.2	31	3.3	21	3.6	6	.7
2	124	9.7	93	9.9	40	6.9	19	2.3
3	323	25.4	219	23.2	88	15.2	66	8.1
4	335	26.3	252	26.7	78	13.5	133	16.5
5	249	19.6	125	13.3	101	17.4	226	28.0
6	142	11.2	116	12.3	141	24.4	213	26.4
7	43	3.4	97	10.3	95	16.4	129	16.0
8	3	.2	10	1.0	15	2.6	16	2.0
	1,274	100.0	934	100.0	579	100.0	808	100.0

a/ Grade 1 is the highest rank.

For grade 1, the consular cone shows only six officers or 7/10 of 1 percent at this level while the other cones average about 3-1/2 percent and are thus doing 5 times better at this level. A similar condition exists in grades 2 and 3; most of the heavy concentration of consular officers are at the lower four grade levels.

Such disproportionality in the consular service is also evidenced by the lower average grades in that cone (the higher the number the lower the rank):

AVERAGE GRADE OF FOREIGN SERVICE OFFICERS BY CONE

(March 31, 1979)

Cone	Average grade
Political	3.95
Economic-commercial	4.20
Administrative	4.86
Consular	5.21

Thus, the average grade level for consular officers is the lowest of the four cones. Consular officers on the average are about one grade lower than other Foreign Service officers.

Many consular officers believe they have less than an even chance to reach the level of ambassador, deputy chief of mission, minister, or counselor. Even the Consul General positions are often filled from the other cones. Reportedly, officers from the other cones head some 80 percent of our consular posts today. A senior consular officer commented:

> "If one speaks of a large consulate section within an Embassy or a Consulate or Consulate General in which the preponderance of the type of work is consular, then the advantage of an officer from the consular cone is obvious. On the other hand, there are Consulates General where other types of work may be preponderant and thus it might be advantageous to appoint an economic or political officer. The real question is why are some political/economic officers appointed as consuls general but hardly ever is a consular cone specialist appointed to head a political or economic section or a post that is so oriented. This goes back to the view that consular officers can only be consular officers and are not qualified to be anything else while the reverse is not necessarily true.
>
> "As long as consular officers perceive that political and economic officers are eligible to take supervisory positions within the consular cone but that the consular officer cannot aspire to the same positions in other cones--then there will be a negative impact on the motivation of young consular officers who desire a foreign service career rather than a consular career."

Other important and insufficiently understood aspects of consular work bear on the problem of morale and efficiency. Particularly instructive is the testimony of then Assistant Secretary for Consular Affairs Barbara M. Watson in July 1977, before the Subcommittee on International Operations of the House Committee on Foreign Affairs:

> "I would like to call your attention to a problem affecting our ability to deliver consular services and to which we have recently been giving attention.
>
> "Hour after hour, day after day, consular officers are intimately involved with troubled human beings. We are just now beginning to question what happens to officers who work intensely with others, learning about their psychological, social, economic, or physical problems. Ideally, consular officers retain objectivity and distance from the situation without losing their concern for the person they

are working with. However, they may not always be able to cope with this continual emotional stress and so-called 'burnout' may occur.

"The term 'burnout' did not originate in my Bureau, nor is it a condition unique to the consular service. We have adopted this term from studies recently done at the University of California at Berkeley, where the psychology staff observed professionals at work, conducted personal interviews, and collected extensive questionnaire data. Their sample included poverty lawyers, physicians, prison personnel, social welfare workers, child care workers and psychiatric nurses. We note that the functions of these professions bear striking similarities to many of the functions performed by and expected of our consular officers. We consider it quite significant that the findings of these studies showed that all of these professional groups tended to cope with stress by forms of distancing that not only hurt the profession but affected service to the client. Our Medical Division is just beginning to look at this problem.

"We also suspect that 'burnout' may be a key factor in consular officer morale and job turnover (perhaps the most common response to consular 'burnout' is the desire to transfer out of the consular specialty). Another reason for this phenomenon may be a shortage of consular resources to meet specific consular problems. As the number of difficult visa, passport, and protection and welfare cases per consular officer increases, the result may be higher and higher emotional overload until, like a wire that has too much electricity flowing through it, the consular officer 'burns out' and emotionally disconnects. We feel that there may be an analogy between social 'caseworkers' and our own consular 'caseworkers'. We must be more attentive to the possible linkage between caseload volume and officer attitudes and effectiveness."

"Closely related to the 'consular burnout' problem is that of the morale within the consular service. It is unfortunate but true that a number of our consular officers feel that they are treated as 'second-class citizens' by their counterparts in the Foreign Service and by top management in the Department. Abroad they often find themselves in cramped, unattractive and ill-suited quarters, sometimes located blocks from the Embassy. When the 'country team' meets to discuss the overall policies and goals of the mission, the senior

consular officer may be conspicuous by his or her absence. It is an unfortunate fact that too often consular officers have not been provided the leadership and guidance they require from their chiefs of mission * * *."

As Americans have recently been reminded by the saga of Richard Queen, former vice consul and hostage in Teheran, U.S. consular officers are an integral part of the U.S. Foreign Service and share fully in the growing hazards of that profession. The State Department should move to enhance the attractiveness of consular work as a career and take affirmative action to end the present perceptions of "cone discrimination."

One possibility would be to give the Bureau of Consular Affairs more control over the selection, development, placement and promotion of consular officers. A more radical approach--advocated by some consular officers and inspired in part by the recent removal from State of international cultural and commercial functions--would give the consular mission to a new and separate U.S. Government agency. Some we consulted believed such a move would promote a stronger service by giving it the opportunity to prepare, present, defend, and allocate its own budget and better assure that congressional funds intended for that work were used for that purpose. Some suggested such an agency might also be better able to develop a consular career ladder and recruit and train those interested in that kind of work.

We do not presume here to evaluate such proposals. The fact that they can be seriously advanced by dedicated and experienced members of the Foreign Service only underlines the importance of corrective action by the State Department.

RECOMMENDATIONS

We recommend that the Secretary of State:

--Establish a number of positions for the consular function more nearly commensurate with the workload.

--Establish a firm policy of keeping all authorized consular positions filled at all times.

--Determine and clarify for the Foreign Service the reasons for the perceived inequities in the classification structure between the consular cone and the others and make such rectifications as may be necessary.

SUMMARY OF CONSULAR SERVICES 1/

Consular officers can help American citizens help themselves by assisting them in obtaining what they need from foreign governments or from U.S. officials. When necessary in certain emergencies, they can provide publicly funded support. On the basis of current legislation and regulations, international law, and State Department policy, an American citizen in difficulty abroad may expect the following:

1. To be received courteously and promptly by a U.S. consular officer;

2. To have consular officers help him to receive from local governments treatment equal to the most favored foreign nationals, when provided for by treaty, or in any event, equal to that given citizens of the host country;

3. In case of problems with local officials, to receive from the consular officer information regarding the host government's attitude, in so far as possible, and, in the event international norms have been violated, intervention as appropriate by the consular or diplomatic official with the host government;

4. If an American citizen's human rights, as defined in the Universal Declaration of Human Rights and subsequent international agreements, appear to have been violated, to have diplomatic and consular officers seek redress of these rights and to inform the Department of State;

5. In cases of emergency to pass and receive messages through American diplomatic or consular posts when commercial facilities are not available or cannot provide timely service, and, in cases of death abroad, compassionate and prompt assistance to the bereaved;

6. To receive from consular officers prompt, energetic and active liaison with local authorities in searching for an American missing abroad;

7. In the event of arrest to receive prompt and regular visits from American consular officers to assure protection of their rights, including the right to legal defense and monitoring of judicial proceedings, and, if necessary, dietary and medical assistance;

1/This proposed "Charter of Consular Services" was published by the State Department in 1977 as part of a report on consular functions requested by the Congress.

8. Consular help in evacuation in emergencies--such as physical or mental incapacity--at the individual's expense and when no other means are available, and repatriation loans for indigents when funds are not forthcoming from family or friends;

9. Consular assistance in dealing with U.S. Government agencies, voting assistance, certain notarial services and protection of real and personal property in emergencies;

10. Emergency loans from consular officers when no other funds are available to assist travelers or residents temporarily in dire need of funds to return home.

APPENDIX II

QUESTIONNAIRE

UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

INTERNATIONAL DIVISION

Control Number _____

Dear

The United States General Accounting Office (GAO), an investigative arm of Congress, is currently engaged in a review of consular services provided to American citizens traveling outside the United States. Department of State records show that you requested their services during your visit to during .

To assist our review, we would appreciate it if you could take a few minutes of your time to complete the enclosed short questionnaire. Your response will be held in strict confidence. For your convenience, we have enclosed a postage paid envelope for the return of the questionnaire. Thank you for your assistance.

Sincerely yours,

John F. Gallant
U.S. General Accounting Office

APPENDIX II

QUESTIONNAIRE ON CONSULAR SERVICES

CONTROL NUMBER _____

1. Check the box which best describes the nature of your request for services.

   /__/ Estate/Property

   /__/ Welfare/Missing Person

   /__/ Service to Seaman

   /__/ Death Outside the U.S.

   /__/ Arrest/Detention/Imprisonment

   /__/ Citizenship/Passport

   /__/ Record of Birth/Notarials

   /__/ Other

2. Explain briefly the nature of your request.

3. Date and time of day you first made your request for service.

4. How much time elapsed before the consular officer:

   --Responded to your request for assistance? _____

   --Began to provide assistance? _____

   --Completed or satisfied your request? _____

5. Was the consular officer courteous and responsive to your needs?

   /__/ Yes

   /__/ No - please explain

APPENDIX II

Control Number _____

6. Was the service you requested performed to your satisfaction?

☐ Yes

☐ No - please explain

7. Are you familiar with what the U.S. Consul can and cannot do with regard to services requested by American citizens?

☐ Yes

☐ No

8. If service was not provided, what reason did the U.S. Consul give for not being able to provide service?

9. What services do you think the U.S. Consul should provide? Are you willing to pay for these services?

10. Other comments

Again, we thank you for your assistance.

APPENDIX III

U.S. Department of Justice

September 17, 1980

Washington, D.C. 20530

Mr. William J. Anderson
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Anderson:

This letter is in response to your request to the Attorney General for the comments of the Department of Justice (Department) on your draft report entitled "U.S. Consular Services to Innocents--and Others--Abroad: A Good Job Could be Better with a Few Changes."

Chapter 4 of the draft report addresses matters relevant to the activities of the Immigration and Naturalization Service (INS) and reaches the conclusion and recommendation that:

> The Immigration and Nationality Act of 1952 places an excessive burden on U.S. consular officers and prevents a more productive allocation of consular resources worldwide. The Act should be modified to permit the waiver of visa requirements for selected countries. Since prior clarification of certain questions is needed, we recommend that the Attorney General, in cooperation with the Secretary of State, determine what if any monitoring, screening, or control arrangements are necessary to an effective waiver system.

The Department concurs with the recommendation and has reported favorably on the bill to waive nonimmigrant visas for nationals of certain selected countries. An official of the INS staff testified to that effect before the Subcommittee on Immigration, Refugee, and International Law. However, if nonimmigrant visas are waived for selected countries, INS expects to encounter some monitoring, screening, and control problems which may require a cost benefit study. Of particular concern is the need for an effective arrival/departure control system. Once the visa waiver program is in operation, a comprehensive arrival/departure control system is essential for INS to adequately monitor and control the program. The present system is not designed to meet the departure/control demands of a visa waiver program and would require redesign to meet these demands.

We appreciate the opportunity to comment on the draft report. Should you desire any additional information, please feel free to contact me.

Sincerely,

Kevin D. Rooney
Assistant Attorney General
for Administration

(467490)